

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ERLINDA ESMERALDA NUNEZ,

Plaintiff,

v.

STATE FARM LLOYDS

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. _____

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant State Farm Lloyds ("State Farm") files this Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows:

I.

FACTUAL AND PROCEDURAL BACKGROUND

1.1 On September 8, 2015, Plaintiff filed her Original Petition in the matter styled *Erlinda Esmeralda Nunez v. State Farm Lloyds*, Cause No. DC-15-010486, in the 14th Judicial District Court of Dallas County, Texas. The lawsuit arises out of a claim Plaintiff made for damages to her property under an insurance policy issued by State Farm Lloyds.

1.2 Plaintiff served State Farm with a copy of the Original Petition on or about October 7, 2015.

1.3 Defendant State Farm files this Notice of Removal within 30 days of receiving Plaintiff's pleading. *See* 28 U.S.C. §1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action. *See id.*

1.4 All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. §1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon the Plaintiff. As required by 28 U.S.C. § 1446(a), and Rule 81.1 of the Local Rules for the United States District Court of the Northern District of Texas, being filed simultaneously with the filing of this Notice of Removal is an Index of State Court Documents, which is attached hereto as Exhibit “A.” A copy of the District Clerk’s Case Summary Sheet is attached hereto as Exhibit “B.” A copy of the Civil Case Information Sheet is attached hereto as Exhibit “C.” A copy of Plaintiff’s Original Petition is attached hereto as Exhibit “D.” A copy of the Citation to State Farm is attached hereto as Exhibit “E” and a copy of the Return of Service for State Farm Lloyds is attached hereto as Exhibit “F.” The Notice of Dismissal for Want of Prosecution is attached hereto as Exhibit “G” and Defendant State Farm Lloyds’ Original Answer is attached as Exhibit “H.” Finally, Defendant’s Certificate of Interested Persons is attached as Exhibit “I.”

1.5 Venue is proper in this Court under 28 U.S.C. §1441(a) because this district and division embrace Dallas County, Texas, the place where the removed action has been pending and where the incident giving rise to this lawsuit took place.

II.

BASIS FOR REMOVAL

2.1 Removal is proper based on diversity of citizenship under 28 U.S.C. §§1332(a), 1441(a) and 1446.

A. The Parties Are Of Diverse Citizenship.

2.2 Plaintiff is, and was at the time the lawsuit was filed, a Texas resident who resides in Dallas County, Texas. *See* Pl's Original Pet. ¶ 1, attached hereto as Exhibit "D."

2.3 Defendant State Farm Lloyds, is, and was at the time the lawsuit was filed, a citizen of the state of Illinois. State Farm Lloyds is a "Lloyd's Plan" organized under Chapter 941 of the Texas Insurance Code. It consists of an association of underwriters, each of whom, at the time this action was commenced were, and still are, citizens and residents of the state of Illinois. Therefore, State Farm Lloyds is a citizen and resident of the state of Illinois for diversity purposes. *Royal Ins. Co. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5th Cir. 1993); *Massey v. State Farm Lloyd's Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998 ("the citizenship of State Farm Lloyds must be determined solely by the citizenship of its members, or underwriters."); *Rappaport v. State Farm Lloyd's*, 1998 WL 249211 (N.D. Tex. 1998) (finding that State Farm Lloyd's is an unincorporated association whose members are completely diverse with Plaintiff, and denying remand).

2.4 Because Plaintiff is a citizen of Texas and Defendant State Farm is a citizen of Illinois, complete diversity of citizenship exists among the parties.

B. The Amount in Controversy Exceeds \$75,000.00.

2.5 This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff's Petition expressly alleges that "Plaintiff is seeking monetary relief over \$200,000 but not more than \$1,000,000." *See* Exhibit D, p. 2. Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$75,000.00.

III.
CONCLUSION & PRAYER

All requirements are met for removal under 28 U.S.C. §§ 1332, 1441, and 1446. Accordingly, State Farm Lloyds hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson
State Bar No.: 24029862
Lindsey Shine Lawrence
State Bar No. 24053681

THOMPSON, COE, COUSINS & IRONS, L.L.P.

700 N. Pearl Street, 25th Floor
Dallas, Texas 75201

Telephone: (214) 871-8200

Facsimile: (214) 871-8209

Email: ρθompson@thompsoncoe.com

Email: slrogers@thompsoncoe.com

**COUNSEL FOR DEFENDANT
STATE FARM LLOYDS**

CERTIFICATE OF SERVICE

This is to certify that on the 6th day of November, 2015, a true and correct copy of the foregoing was delivered to the following counsel of record by electronic service and/or facsimile transmission and/or certified mail, return receipt requested:

Andres A. Arguello
Arguello, Hope & Associates, PLLC
1110 Nasa Parkway, Suite 620
Houston, Texas 77058

/s/ Rhonda J. Thompson
Rhonda J. Thompson